

Youth, collegiate, amateur, club, and professional sports are now allowed to practice and compete in Ohio, under the Ohio Department of Health (“ODH”) Director’s Order issued August 19, 2020 (the “Order”). This privilege, however, is subject to full compliance with the terms of the Order. This client alert highlights the extensive obligations of school districts when hosting sporting events.

The Order outlines a variety of requirements for individuals participating in or attending sporting events, and imposes an “affirmative duty” on the hosting organization (such as a school district hosting a home game) to ensure that everyone at the event (the “Sports Participants”) complies with all ODH and local health orders. “Sports Participants” includes not just the home team’s players and coaches, but the visiting team, all officials and all spectators.

Before hosting a sporting event, a school district must, in writing, designate a compliance officer who is responsible for ensuring that all Sports Participants follow the Order’s requirements. This person must also serve as the point of contact for the local health department, sheriff’s department, and any other local law-enforcement agency that has jurisdiction over the game.

In particular, through its compliance officer, a school hosting a sporting event must ensure that the following requirements are met:

- All Sports Participants must observe social distancing, except when necessary on the field or court. That is, Sports Participants must: maintain at least six feet of distance between one another; wash their hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer; cover coughs and sneezes into the sleeve or elbow (not hands); regularly clean high-touch surfaces; and not shake hands.
- The number of players in confined player seating spaces such as dugouts should be limited, and players should be allowed to spread out in spectator areas if more space is available there.
- Sports Participants must wear face coverings, subject to certain exceptions, such as for those who have medical conditions that restrict breathing or otherwise would be exacerbated by use of face coverings. In particular:
 - Athletic trainers, volunteers, and spectators must wear face coverings at all times.
 - Players must wear face coverings anytime they are not on the field or court.
 - Coaches and sports officials must wear face coverings at all times except during the game. This exception is meant to allow coaches and officials to use whistles and otherwise be heard while coaching or officiating during games.
- If local health officials so request, the school must “immediately” explain in writing why a particular student athlete, coach, or volunteer is not required to wear a face covering while not on the playing field. As noted, for coaches who do not wear face coverings during games, the Order provides a recyclable explanation—i.e., they are not wearing face coverings so that they may use whistles and otherwise be heard while coaching during the game.
- Spectators must sit with their families or household members and, as a group, remain socially distanced from others.
- No Sports Participants may congregate before or after the game.
- Players, coaches, and sports officials may not physically contact each other before or after the game (e.g., greetings, team huddles, high-fives).
- All Sports Participants should keep their equipment, personal items, drinks (e.g., water bottles), food, towels, and face coverings separated from those of others, and may not share any of them with others.
- If it is necessary to share equipment, it must be properly sanitized between users. That said, the school should ensure it has adequate supplies and equipment to minimize the need for sharing.
- Food concessions operations must follow Ohio’s guidance for Restaurants, Bars, Banquet & Catering Facilities/ Services.
- For indoor games:
 - The ventilation system or fans must be functional.
 - To the extent possible, the school should increase circulation of outdoor air by, for example, opening windows and doors, unless doing so would pose a safety or health risk.
 - The number of Sports Participants must be limited to the lesser of 300 individuals or 15% of the fixed seating capacity.
- For outdoor games, the maximum number of Sports Participants must be limited to the lesser of 1500 individuals or 15% of the fixed seating capacity.

- Seating groups must be assigned in staggered rows and sections to avoid intergroup contact.
- Spectators must sit in their assigned seats or spaces.
- The school must communicate with spectators before the game to emphasize the importance of staying home if sick, wearing face coverings, and maintaining social distance.
- Throughout the game, the school must provide public announcements reminding everyone about physical separation, face coverings, hygiene, and health symptoms.
- Anyone with symptoms must be instructed to go home or be taken to a dedicated isolation area.

With respect to the use of their sporting facilities more generally, districts must ensure the following:

- Their facilities provide adequate space for all Sports Participants to observe social distancing.
 - As has become customary at this point, districts must: (1) designate six-foot distances using signage, tape, or other means for those waiting in lines; (2) have hand sanitizer and sanitizing products readily available for all participants; and (3) post online whether a sports facility is open and how best to enter the facility while observing social distancing.
- Use of enclosed shared spaces, such as locker rooms, must be staggered, and those spaces must be cleaned and disinfected after each use.
- The school district has established a “spectator pathway” that allows spectators to remain socially distanced while moving from the parking lot to their seats, as well as when they leave after the game.
- One-way entries, exits, and aisles are established.
- Signage is installed regarding hygiene, physical separation, and face coverings.
- The school has a plan for handling sick or symptomatic individuals, which includes how to address the need to immediately isolate the sick person, refer them to medical care, notify the local public health department, and cooperate with the local health department in contact tracing.

- A written operations plan is prepared in consultation with the local health department—and is enforced.
- The school cooperates with the local health department regarding any case investigation.

It is worth noting that the Order establishes the “minimum mandatory standards” for all those participating in sports—including but not limited to players, coaches, officials, and attendees—and “nothing in this Order prevents or discourages local public officials from imposing additional and more restrictive limitations on athletic activity.” So, in addition to following the health requirements in the Order, all Sports Participants must comply with any COVID-19-related orders from their governing authorities. If there’s a conflict between the local governing authority and the Order, participants must follow the authority imposing the more restrictive requirement.

This Order’s extensive requirements put districts at legal risk if anyone at a sporting event fails to follow protocols, and others at the event contract COVID-19. Districts planning to host games should, at a minimum, consult their insurance carriers about their position on coverage in that event, and any other requirements they would expect the districts to follow in order to ensure coverage.

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